IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 27TH FEBRUARY 2007 / 8TH PHALGUNA 1928

WP(C).No. 6435 of 2007(N)

PETITIONER:

GEORGE MATHEW,
HIGH SCHOOL ASSISTANT (NATURAL SCIENCE),
V.S.V.H.S.S., EZHUKONE, KOLLAM DIST.

BY ADV. SRI.ELVIN PETER P.J.

RESPONDENTS:
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1. THE DIRECTOR OF PUBLIC INSTRUCTION,
THIRUVANANTHAPURAM.

2. THE DISTRICT EDUCATIONAL OFFICER,
KOTTARAKKARA, KOLLAM DIST.

3. THE MANAGER,
V.S.V.H.S.S., EZHUKONE, KOLLAM DIST.

4. A. JAYAMON,
HIGH SCHOOL ASSISTANT (PHYSICAL SCIENCE),
V.S.V.H.S.S., EZHUKONE, KOLLAM DIST.

R1 & R2 BY GOVERNMENT PLEADER (SHRI A.J. VARGHESE)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 6435 OF 2007 N

Dated this the 27th February, 2007

JUDGMENT

Petitioner has preferred Ext.P6 purporting to be under Rule12 E (3) of Chapter XXIII of the KER, being aggrieved by Ext.P5 order, whereunder it is shown that petitioner was retrenched with effect from 15.7.2006. Case of the petitioner is that he is senior as against the fourth respondent, as the fourth respondent was on protection, and the period on protection cannot be counted for seniority. Petitioner relies on Ext.P2 Judgment also in this regard.

2. As the petitioner has already invoked the alternate remedy, I do not think it necessary for me to consider the challenge against Ext.P5. Accordingly, the Writ Petition is disposed of directing the first respondent to consider and take a decision on Ext.P6 in accordance with law, after hearing the petitioner and the affected parties, within a period of two months from the date of receipt of a copy of this Judgment. In the

meantime, if the petitioner moves an application seeking interim relief, appropriate orders in accordance with law will be passed by first respondent within a period of five days from the date of receipt of such application.

K. M. JOSEPH, JUDGE

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